

TOWN OF ELLINGTON

WATER POLLUTION CONTROL AUTHORITY

REGULAR MEETING **September 15, 2009**

Members Present: Joe Stimac, Edward Duell, Shawn Koehler, and Tim Kiessling

Members Absent: Daniel Parisi (Chairman)

Others Present: Town Engineer, Jim Thompson of Buck & Buck and Peter Williams, WPCA Administrator.

I. CALL TO ORDER

Edward Duell called the meeting to order at 7:05 p.m.

II. CITIZENS FORUM / PUBLIC COMMENTS: NONE

III. UNFINISHED BUSINESS:

MOTION (KOEHLER) SECONDED (STIMAC) AND PASSED UNANIMOUSLY TO ADD TO THE AGENDA THE FOLLOWING ITEMS: ITEM 1 ORCHARD STREET REPAIRS, JUDGMENT IN COURT CASE FOR AIRPORT ASSESMENT, AND THE GROUND BREAKING IN STAFFORD.

1. **Orchard Street Repairs:** Jim Thompson and Lenny Descheneaux presented to the WPCA the repairs needed for Orchard Street.

MOTION (KOEHLER) SECONDED (KIESSLING) AND PASSED UNANIMOUSLY TO AUTHORIZE BUCK AND BUCK TO DESIGN BID AND PROCEED WITH CONSTRUCTION WITH A BUDGET NOT TO EXCEED \$250,000.

2. **CIP Project 2008-4 Sandy Beach & Stafford Rd Extension.** Surveys are in progress.
3. **Judgment in Court Case for Airport Assessment:** Peter Williams confirmed the settlement.

MOTION (STIMAC) SECONDED (KOEHLER) AND PASSED TO APPROVE JUDGMENT FOR JLM ASSOCIATES, LLC AND WPCA AS ATTACHED TO THE MINUTES. (AYES: KOEHLER, DUELL, STIMAC - ABSTAINED: KIESSLING)

4. **Facilities Plan-GIS Mapping:** Jim Thompson has nothing to report at this time.
5. **Crystal Lake Sewer Area Update:** Still no word from the state on the sewer service area.

V. NEW BUSINESS:

1. CIP Project 2009-1 Davis Road Extension:

The WPCA discussed that Vernon and Ellington have an agreement and that Vernon cannot bill Ellington on any assessment if the pipes need to be repaired. This project will be pursued.

VI. ADMINISTRATIVE:

1. Design, Construction, & Maintenance Reports:

i. CIP Project 2008-2 Rt 83 Sewer Line Reversal.

Jim Thompson reported that once the pavement is done the project will be complete.

2. Review Active Bonds:

Stonebridge: Reviewed. Engineer hasn't done easements as of today. Jim Thompson will give them 6 months to do the easements or it will be done with the bond money.

Ellridge Place: Jim Thompson has not reviewed this bond.

Crystal Ridge:

MOTION (STIMAC) SECONDED (KOEHLER) AND PASSED UNANIMOUSLY TO RELEASE THE MAIN BOND AFTER RECOMMENDATION IS RECEIVED FROM ENGINEER.

117 Stafford Road-Libby:

MOTION (STIMAC) SECONDED (KIESSLING) AND PASSED UNANIMOUSLY TO RELEASE THE BOND.

High Ridge: Jim Thompson will send letter to Russ for the easement mylar.

MOTION (KIESSLING) SECONDED (STIMAC) AND PASSED UNANIMOUSLY TO RELEASE THE BOND AFTER RECEIVING THE EASEMENT MYLAR.

Highlands: Jim Thompson has not reviewed these bonds.

Oakland Estates-Williams: Detention basin, no DEP approval or Town inspection.

Center Village: No release, work in progress

68 Windermere: No release, work in progress

5 Nutmeg Drive: Jim Thompson has not reviewed these bonds

25 Pinney-Best-Tex: Jim Thompson has not reviewed these bonds

45 Meadow Brook Rd: Still need easements and final paperwork.

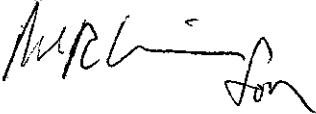
3. Approval of Regular Meeting Minutes August 18, 2009.

**MOTION (KIESSLING) SECONDED (STIMAC) AND PASSED UNANIMOUSLY TO
APPROVE THE MINUTES OF THE AUGUST 21, 2009 MEETING.**

VII. ADJOURNMENT:

**MOTION (STIMAC) SECONDED (KIESSLING) AND PASSED UNANIMOUSLY TO
ADJOURN THE MEETING AT 7:51P.M.**

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Jessica Cosman', written over a horizontal line.

Jessica Cosman

NO. TTD-CV-08-4010213-S

JLM ASSOCIATES, LLC : SUPERIOR COURT

VS. : J.D. OF TOLLAND
: AT ROCKVILLE

TOWN OF ELLINGTON WATER
POLLUTION CONTROL
AUTHORITY : SEPTEMBER ____, 2009

STIPULATION FOR JUDGMENT

The parties to the above-entitled action, an appeal from the levy of a sewer benefit assessment, stipulate and agree with each other and request the court to enter judgment in this matter as follows:

1. A substantial portion of JLM Associates, LLC's property, described in its complaint, is classified as farmland by the Ellington Assessor under the provisions of Conn. Gen. Stat., Sec. 12-107c.
2. As classified farmland JLM Associates, LLC's property is entitled to have any assessment deferred pursuant to Conn. Gen. Stat, Sec. 7-249 until construction or development is approved or occurs.
3. On April 2, 2008, as appears in Volume 392 at Page 135 of the Ellington Land Records, JLM Associates, LLC granted an easement to the Ellington Water Pollution Control Authority, hereafter "WPCA", to enable the WPCA to construct a sewer line across JLM Associates, LLC's property for the benefit of other property owners and the WPCA. Said easement was granted without payment or compensation to JLM Associates, LLC. In recognition of the benefit conferred upon it and other property owners in the Town of Ellington by JLM Associates, LLC's grant of said easement, the WPCA shall grant to JLM Associates, LLC a deferment of the benefit assessment which is attributable to that portion of JLM Associates, LLC's property not entitled to the farmland deferment and excluding that area assessed as described in paragraph 8.

4. In consideration of the settlement of this appeal, the WPCA stipulates and agrees that neither the loss of the farmland classification nor the transfer of legal title, whether or not the assessment classification as farmland is preserved, continued, lost or no longer applies, will in and of itself terminate the deferment of assessment nor require immediate payment.
5. In further consideration of the settlement of this appeal, the WPCA stipulates and agrees that the transfer of legal title for that property for which the benefit assessment has been deferred in consideration of the grant of the easement will not in and of itself terminate the deferment of assessment or require immediate payment.
6. At such time as additional buildings are connected to the sewer system or upon the granting of the last land use approval permitting construction of any building or development that will utilize the sewer system, then the property devoted to that development will have the deferment ended and the assessment levied for the sewer line at the rate of \$9,500 per acre for all land within 500 feet of the existing sanitary sewer line, and at the rate of \$4,500 for all land more than 500 feet from the existing sanitary sewer line, excluding wetlands, and for sewerage discharge capacity at the rate of \$4.81 per gallon per day with 300 gallons per day allocated or assessed per acre with a total additional assessment not to exceed \$693,793 plus an appreciation charge as set forth in the following paragraph.
7. Any assessment that becomes due on or before June 30, 2010 will not have an appreciation charge added. Any assessment that becomes due after July 1, 2010 will have an appreciation charge of 2% added for each Fiscal Year thereafter without proration to compensate partially for the financing costs paid by the WPCA and other beneficial users to finance the initial construction of the sewer line.
8. A current benefit assessment has been levied for the connection to an existing building of JLM Associates, LLC in the amount of \$11,208 that JLM Associates, LLC agrees is fair and reasonable that it has by making its first annual payment elected to pay in annual installments of principal over 20 years together with interest at the rate of 4.3% in accordance with the policy adopted for this project.